



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 21, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt's Dankest**
Record Number: PLN-2019-16084
Assessor's Parcel Number: 081-071-026
540 Boy Scout Camp Road Myers Flat, CA

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Please contact Rodney Yandell, Senior Planner, at (707) 445-7541, or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 21, 2020	Subject Special Permits	Contact Rodney Yandell
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Project Description: A Special Permit for 2,380 square feet (SF) of existing outdoor full-sun commercial cannabis cultivation. Irrigation water for cultivation is supplied by Myers Flat Mutual Water System, Inc. The applicant proposes to obtain plant starts from a licensed nursery. Cannabis will be processed off site at a licensed processing facility. Additionally, the applicant is requesting Special Permit for a reduction to the required 600-foot setback from public lands. No outside employees are required for the proposed cultivation operations. Power will be provided by Pacific Gas and Electric (PG&E).

Project Location: This project is located in Humboldt County, in the Myers Flat area, on the northeast side of Boy Scout Camp Road, approximately 480 feet southeast from the intersection of Boy Scout Camp Road and Myers Avenue, on the property known as 540 Boy Scout Camp Road.

Present Plan Land Use Designations: Residential Estates (RE1-5) Avenues Community Planning Area (AVES), Density: 1 to 5 acres per dwelling unit, Slope Stability: Low Instability (1)

Present Zoning: Flood Plain (FP)

Record Number: PLN-2019-16084

Assessor Parcel Number: 081-071-026

Applicant

Humboldt's Dankest
1632 Broadway, Ste. 317
Eureka, CA 95501

Owner

Hong Mou
PO Box 22
Myers Flat, CA 95554

Agent

NorthPoint Consulting
Group, Inc.
1117 Samoa Blvd
Arcata, CA 95521

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per § 15164 of CEQA Guidelines.

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Humboldt's Dankest Special Permits
Record Number: PLN-2019-16084
Assessor's Parcel Number (APN): 081-071-026

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on the evidence in the staff report and adopt the Resolution approving the proposed Humboldt's Dankest project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would permit 2,380 SF of existing outdoor full-sun commercial cannabis cultivation. A parcel to the south is owned by the California State Parks and is located approximately 360 feet from the cultivation area; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from Redwood State Park is included as a part of the applicant's request.

Juvenile plants will be obtained from off-site. Cultivation will occur in one location on the property, within the footprint of the pre-existing cultivation and will consist of a total area of approximately 2,380-SF of full-sun outdoor cultivation planted directly in the native soil. The cultivation area is in the northern most portion of the parcel, behind a gate within the gated property. The applicant does not plan to expand or relocate cultivation.

Humboldt's Dankest is a family-run business. In addition to the *Agent in Charge / Lead Cultivator* role assumed by the applicant, up to two seasonal laborer positions are carried out by family members. The number of required laborers varies based on the needs of the farm during the cultivation and harvest seasons. During the peak harvest, there are an estimated total of four family members on site, all of which reside in the same neighborhood as project site. The Department of Environmental (DEH) commented that onsite processing must be supported by a permanent means of sewage disposal. As no processing is to occur on site, a portable toilet will be on site during the cultivation season and the applicant will provide invoices, or equivalent documentation confirming the continual use of a portable toilet, which is included as a condition of project approval. Materials kept on site include fertilizers and herbicides, which will be stored in the lockable shed within secondary containment. The project does not propose storage of fuel, cleaning fluids, or soil amendments. The Site Management Plan will include details regarding fertilizer mixing and application, fertilizer and pesticide storage, waste volumes, and storage areas. All trash/refuse generated on site will be kept in a designated and contained area behind the property enclosing fence until each weekly pickup. Myers Flat community area is served by Recology Eel River, a licensed waste disposal company. Cultivation-related organic waste will be taken offsite by Recology Eel River to a licensed green waste disposal site. The applicant will account for and keep records of annual volumes of soil imported and exported. Any purchased soils will be reamended for use the following year. The entire 0.28-acre parcel is secured behind a 6-foot security fence. A locked entry gate is located at the entrance to the property. The entry gates remain locked and access to the cultivation area is limited exclusively to authorized family members. Restricted access signs are posted conspicuously at the entry gates. The cultivation

area will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion-activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gate, the entrance to the cultivation area and within the parcel.

The anticipated yearly water use for this project is 40,000 gallons (17 gallons per square-foot/year), with hand watering and drip emitters used for cultivation. Irrigation water for cultivation will be supplied by Myers Flat Mutual Water System. No storage tanks are proposed for the project.

The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.

There is a known Northern Spotted Owl (NSO) activity center within approximately two miles of the project area and the project site is within mapped Marbled Murrelet habitat. Regarding NSO, there are 14 commercial cannabis cultivation applications within a one-mile radius of the project site; however, all of these but two is further away from the known activity center. Within a one-mile radius of the closest activity center to the project site there are no cannabis cultivation applications. Due to noise and light restrictions that will be applied to both the current project and all other projects in the vicinity, there are no cumulative impacts to the Northern Spotted Owl habitat that are expected to occur. All electricity is supplied by Pacific Gas and Electric (PG&E), and no generators are used onsite. All processing will take place off site

The property is accessible from Boy Scout Camp Road, approximately 0.10 miles southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 0.27 miles southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by NorthPoint Consulting Group, Inc., December 2019 for the portion of Boy Scout Camp Road from Orchard Way that she uses for access, concluding that the road segment meets Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards.

The cultivation site would be approximately 360 feet from a parcel of land in the Humboldt Redwoods State Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The *HRSPGP*'s provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a Site Management Plan will be developed for the project. The plan will be developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail – 1, located over one half of a mile to the northwest. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for this staff recommendation of permitting the existing cultivation area and allowing for a reduction to the required 600-foot setback from public lands.

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, Planning Division staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-2019-16084
Assessor's Parcel Number: 081-071-026**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt's Dankest Special Permits request.

WHEREAS, Humboldt's Dankest submitted an application and evidence in support of approving the Special Permit to permit an existing 2,380 square-foot outdoor cultivation area with offsite processing and a Special Permit to reduce the 600-foot setback for cultivation from State lands managed by the California State Parks; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number: PLN-2019-16084); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 21, 2020.

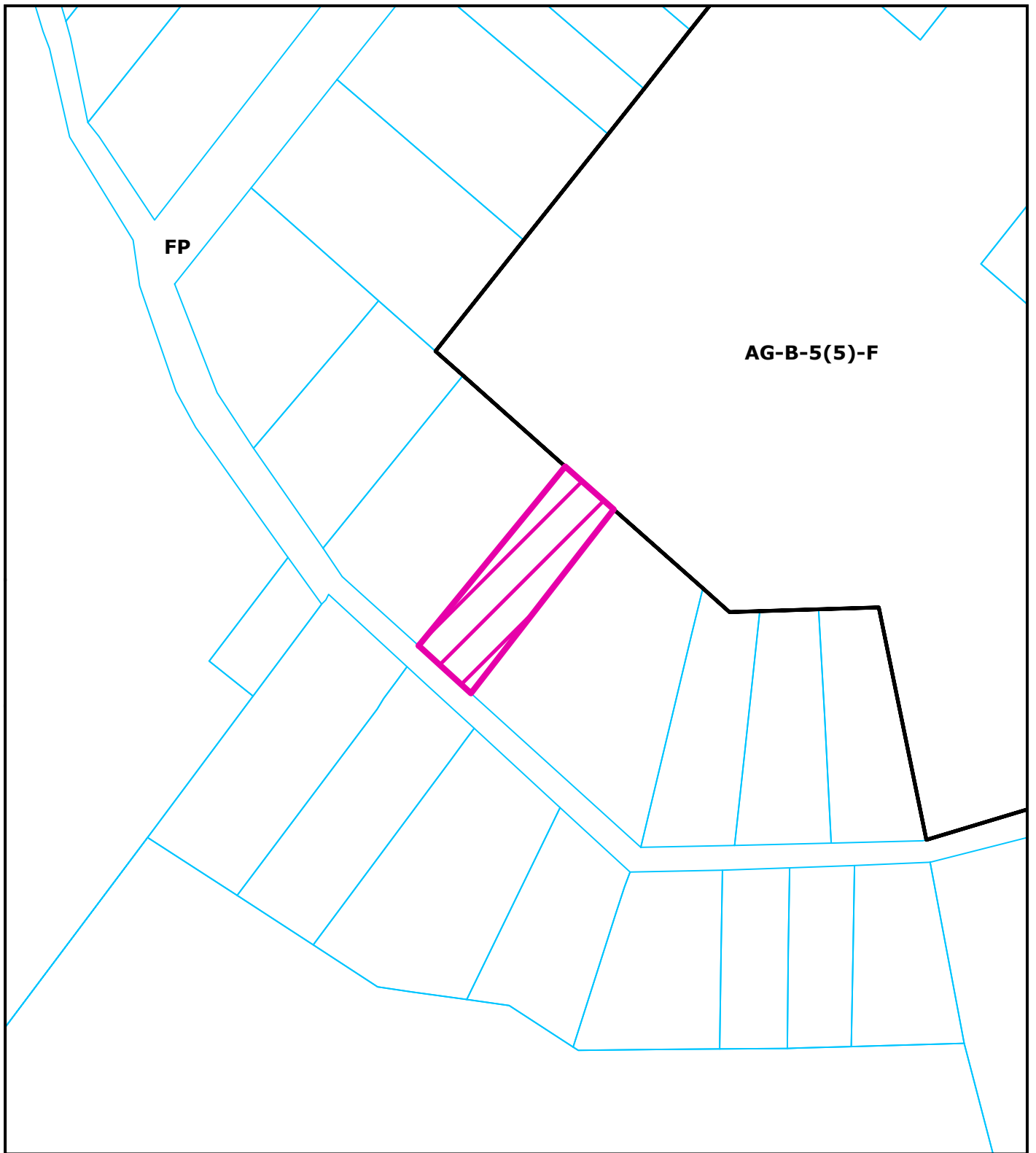
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-2019-16084 based on the submitted substantial evidence; and
3. Special Permits Record Number: PLN-2019-16084 are approved as recommended and conditioned in Attachment 1 for Record Number: PLN-2019-16084.

Adopted after review and consideration of all the evidence on May 21, 2020.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator
Planning and Building Department




Project Area = 

ZONING MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN--2019-16084
APN: 081-071-026-000
T02S R03E S30 HB&M (MYERS FLAT)



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 155 310 Feet






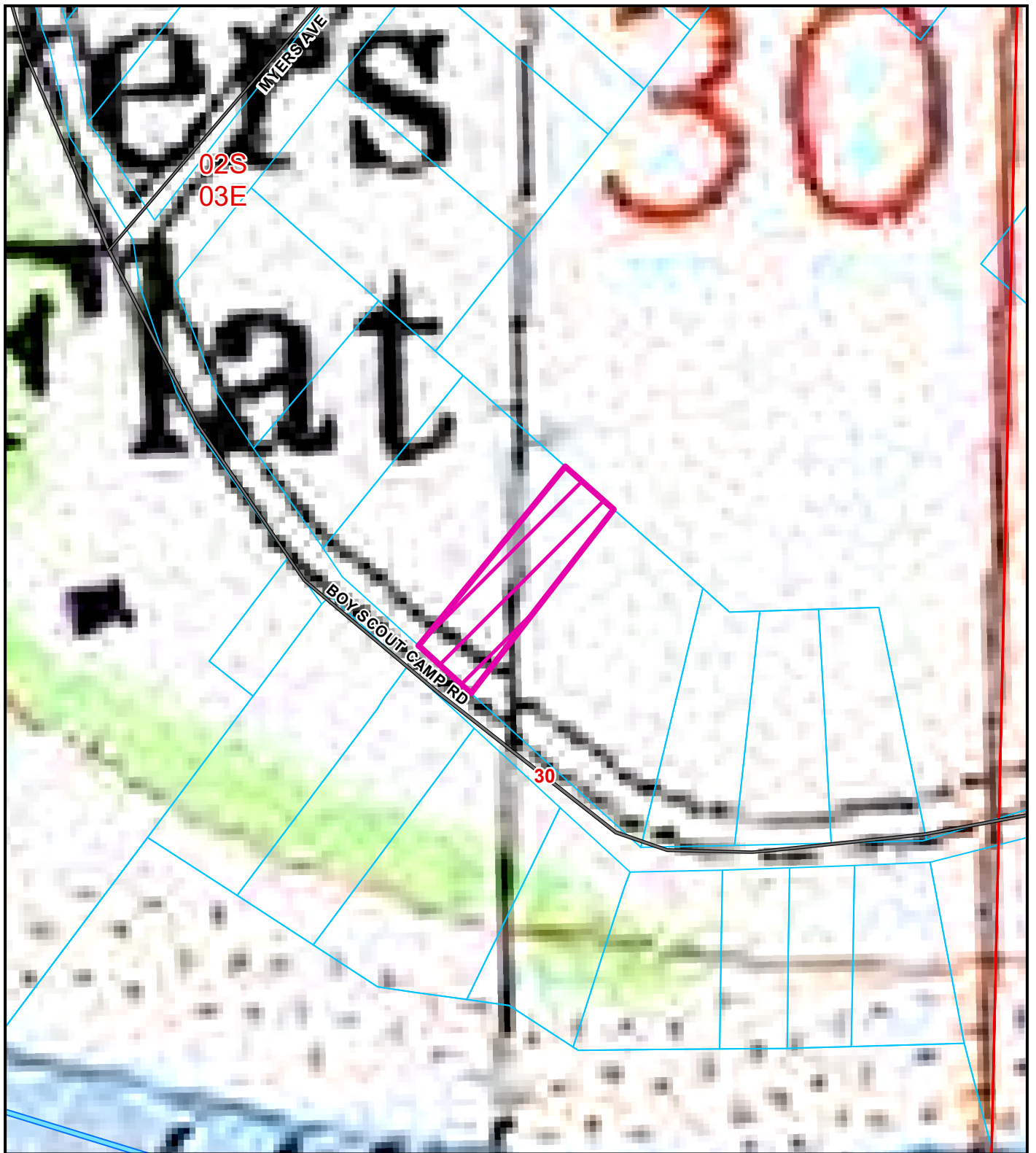
Project Area = 

**AERIAL MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN--2019-16084
APN: 081-071-026-000
T02S R03E S30 HB&M (MYERS FLAT)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 105 210 Feet



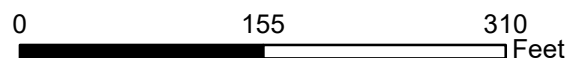


Project Area = 

TOPO MAP
PROPOSED HUMBOLDT'S DANKEST
MYERS FLAT AREA
PLN--2019-16084
APN: 081-071-026-000
T02S R03E S30 HB&M (MYERS FLAT)



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:

FROM EUREKA, CA
-TAKE 101 SOUTH
(APPROX. 51.2 MILES)
-TAKE EXIT 656 FOR CA-254 FOR MYERS AVE
(APPROX. 0.2 MILES)
-TURN RIGHT ONTO CA-254 N
(APPROX. 131 FEET)
-TURN LEFT ONTO MYERS AVE
(APPROX. 0.4 MILES)
-TURN LEFT ONTO BOY SCOUT ROAD
(APPROX. 479 FEET)
-DESTINATION WILL BE ON THE LEFT

HUMBOLDT'S DANKEST SPECIAL PERMIT

APN: 081-071-026



PROJECT INFORMATION:

APPLICANT:
HUMBOLDT'S DANKEST
1632 BROADWAY ST, SUITE 317
EUREKA, CA 95501

PROPERTY OWNER:
VIVIAN MOU
1632 BROADWAY ST, SUITE 317
EUREKA, CA 95501

APPLICANTS AGENT:
NORTHPOINT CONSULTING GROUP, INC
1117 SAMOA BLVD.
ARCATA, CA 95521
(707) 798-6438

SITE ADDRESS:
APN: 081-071-026
540 BOY SCOUT CAMP RD
MYERS FLAT, CA 95554

TREES TO BE REMOVED = NONE

PROPOSED TOTAL CULTIVATION AREA = 3,000 SF

PRE-EXISTING CANNABIS CULTIVATION AREA = APPROX. 6,000 SF

WATER = PRIVATE
SEWER = PRIVATE

PROPERTY SIZE = 0.28 ACRES

ZONING = FP (FLOOD PLAIN)
GENERAL PLAN DESIGNATION = RE1-5

BUILDING SETBACKS:

	FP
FRONT	20'
SIDE	10'
REAR	20'

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

SHEET INDEX:

C0 - SITE OVERVIEW

PROJECT DESCRIPTION:

HUMBOLDT'S DANKEST IS PROPOSING TO PERMIT CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO). THE PROPOSED OPERATION INCLUDES APPROXIMATELY 3,000 SQUARE FEET (SF) OF OUTDOOR CULTIVATION AREA.

GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
- THERE ARE NO PERMANENT RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.

IRRIGATION AND DOMESTIC WATER USE

WATER FOR IRRIGATION USE WILL BE SUPPLIED THROUGH RAINWATER CATCHMENT. BOTH RAINWATER CATCHMENT TANKS AND THE PROPOSED SHED ROOFTOPS WILL BE UTILIZED AS CATCHMENT SURFACES. DOMESTIC WATER IS IMPORTED OR PURCHASED THROUGH MYERS FLAT MUTUAL WATER SYSTEM.

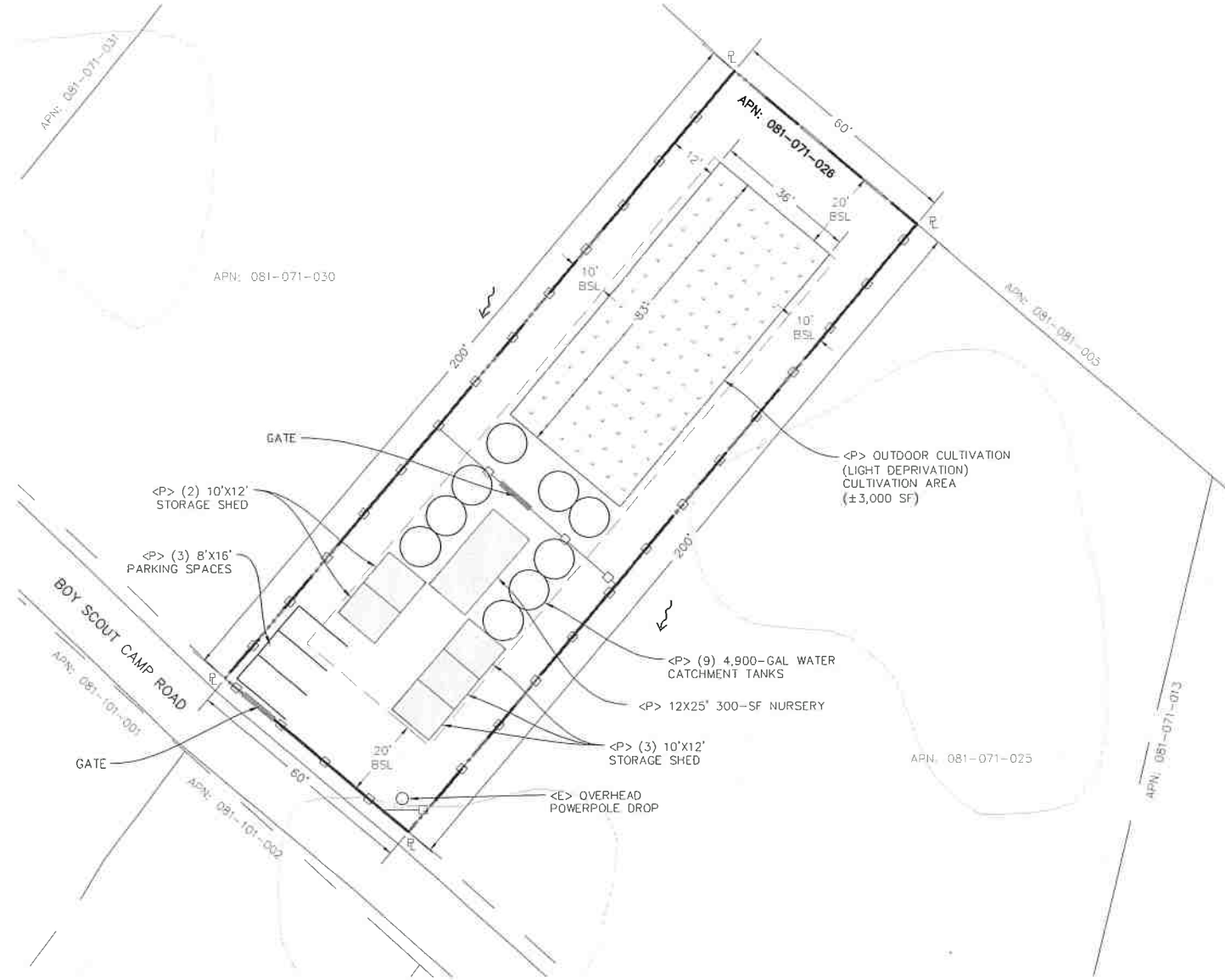
SWRCB GENERAL ORDER

THE SUBJECT PARCEL WILL ENROLL IN THE SWRCB GENERAL ORDER AS A TIER 1, LOW RISK DISCHARGER REFLECTING CURRENT & PROPOSED SITE CONDITIONS. A SITE MANAGEMENT PLAN WILL BE PREPARED FOLLOWING ENROLLMENT. WDID NUMBER TBD

CALIFORNIA DEPARTMENT

OF FISH AND WILDLIFE

A NON-JURISDICTIONAL ITEMS LSA NOTIFICATION HAS BEEN SUBMITTED TO CDFW. NOTIFICATION NUMBER TBD.



LEGEND:

- = SITE DRAINAGE DIRECTION
- = FENCE

PLOT PLAN

22x34 SHEET: 1"=20'
11x17 SHEET: 1"=40'

0 10 20 40



NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

HUMBOLDT'S DANKEST
540 BOY SCOUT CAMP RD. MYERS FLAT, CA 95554
SPECIAL PERMIT - SITE OVERVIEW

PROJ. MOR: AZ
DRAWN BY: CC
DATE: 12/24/19
SCALE: AS SHOWN
SHEET
C0
18-057

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
3. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
4. The applicant shall improve the apron from Orchard Way to Boy Scout Camp Road to current standards for a commercial driveway. The applicant shall obtain an encroachment permit from the Department of Public Works prior to the commencement of any work. The apron shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Orchard Way. A letter from that agency indicating approval has been issued will satisfy this condition.
5. The applicant shall adhere to and implement the recommendations for road improvements detailed in the Road Evaluation Report developed by NorthPoint Consulting Group, Inc., December 2019.
6. The applicant shall cause to be formed a road maintenance association for Boy Scout Camp Road with a provision for maintenance of the entirety of the road to its intersection with Orchard Way. If less than 50% of the property owners on Boy Scout Camp Road do not enroll, then this condition of approval is considered achieved. The applicant shall provide to the Planning Division for review as to form the letter inviting owners to join the Boy Scout Camp Road maintenance association. Documentation of delivery of the letter shall be by certified US Mail.

7. The applicant shall relocate the fence at the front of the property, as it extends over nine feet into the roadway. In addition, the applicant shall submit a list of the chemicals used in the operation to Myers Flat Fire Protection District. A letter from Myers Flat Fire Protection District confirming these requirements have been met will satisfy this condition.
8. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
9. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
10. Provide a portable toilet to meet the needs of the farm operators. Annual contracts or invoices confirming the use of a portable toilet is required and will be provided to Humboldt county Health and Human Services, Department of Environmental Health (DEH). The portable toilet must not occupy the property outside of the cultivation season.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
7. Maintain enrollment in Tier 1, 2 or 3, certification with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
12. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
13. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
14. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

15. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
20. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (Metrc).

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

- 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
- 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.
27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and

may require the submittal of additional information to ensure that new standards are met.

28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise

stipulated under the terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 12 months of the effective date of the permit, whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

ATTACHMENT 2

Required Findings for Approval

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:
 - 1) the reduction is consistent with the adopted general plan including the housing element;
 - and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency. The following table documents the evidence that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan 2017, Open Space Plan, Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Estates (RE-1): Lands adjacent to urban areas or rural communities with limited public services, commonly water-only service areas, but suitable for single-family residential use, and clustering is suggested to assist in buffering adjacent resource production or open space uses.</p> <p>Density range is 1-5 acres/unit</p> <p>Avenue of the Giants Community Plan Area (AVES): This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes approximately 3,000 square feet of existing outdoor cannabis cultivation on a 0.83-acre parcel. General agriculture is allowable use type for this designation.</p> <p>The proposed project is within the Myers Flat community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Myers Flat community. The Myers Flat community is specifically called out as suitable for cannabis permitting in the County's CCLUO. The proposed project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As such, the proposed project would be consistent with both the General Plan and AVES CPA.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The property is accessible from Boy Scout Camp Road, approximately 0.10 miles southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 0.27 miles southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by NorthPoint Consulting Group, Inc., December 2019 for the portion of Boy Scout Camp Road from Orchard Way that she uses for access, concluding that the road segment meets Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards.</p> <p>The Department of Public Works recommended conditional approval of the proposed project. The applicant is required to obtain an encroachment permit from the Department of Public Works to improve the private road intersection to meet County standards for commercial driveways and visibility. The project is conditioned to adhere to these requirements.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Public Lands Chapter 4.7</p>	<p>Goals and policies contained in this Chapter present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.</p>	<p>Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park. The adjacent public lands are subject to the <i>Humboldt Redwoods State Park General Plan (GP)</i> adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The GP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.</p> <p>State Parks has reviewed the project and have no concerns at this time.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an Open Space Action Program because the project site has a mapped FEMA flood hazard zone overlay (see discussion below regarding flooding). The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The topography of the site is flat, with slopes of less than 5%. There are no stream crossings on the site. The existing cultivation area is approximately 300 feet from the Streamside Management Area (SMA) of the South Fork of the Eel River. The California Natural Diversity Database (CNDDDB) does not identify any threatened or endangered species on the subject parcel.</p> <p>The project site is located within approximately two miles of Northern Spotted Owl activity center and the project site is within mapped Marbled Murrelet habitat. Electricity is provided to the parcel by PG&E and no generators are used. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant</p>	<p>The project was referred to NWIC who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkiyone Wilderness Council.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.</p>	<p>The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project does not involve any lighting for the cultivation or propagation and will have no impacts to scenic resources.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The parcel is served by a portable toilet that is serviced on a routine basis. As a condition of approval, the applicant will be required to provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilet to serve the needs of the farm operators.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The CNDDDB indicates that nearest Northern Spotted Owl (NSO) activity center is approximately two miles from the project site and that the project site is within mapped Marbled Murrelet habitat. However, no generators, fans or dehumidifiers are used onsite. Instead, PGE supplies on-the-grid power to the property.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is seismically classified as low instability. The cultivation area is located on slopes of less than 5/%. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is within a FEMA mapped 100-year flood zone. The proposed project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. In addition, the applicant does not propose storage of any fuels or oils on the project site. Domestic solid waste and recycling is stored on site picked up weekly by Recology Eel River. Therefore, the proposed project will not store hazardous or acutely hazardous materials on site that could be cause environmental harm during a flooding event. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 17 miles northeast of the coast, and approximately 188 feet above mean sea level, thus, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire rating and moderate fire severity. The subject property is located within the Myers Flat Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The property is less than an acre in size and is therefore no subject to the 30-foot SRA setback from property lines regarding structures.</p> <p>No employees are required to meet operational needs. The applicant is connected to community service water that can provide water for fire protection in addition to irrigation uses.</p> <p>The Myers Flat Fire Protection District requires that the applicant relocate the fence at the front of the property, as it extends over nine feet into the roadway. In addition, the Fire District requires that the applicant submit a list of the chemicals used in the operation to the District. These are conditions of approval.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located within the Myers Flat Fire Protection District boundary per the 2016 County Fire Plan per the 2016 County Fire Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 081-071-026 has been determined to be one legal parcel (Lot 1) as shown on 1970 subdivision. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Flood Plain (FP)	Flood Plain (FP): The principal permitted uses in the Flood Plain zoning designation are general agriculture, nurseries and greenhouses, animal sales, feed yards, temporary recreational vehicle parks, roadside stands, public stables, docks, boat houses, golf courses and shooting ranges.	The applicant is seeking a Special Permit for an existing 3,000 square feet of existing outdoor cannabis cultivation. The proposed use is specifically allowed in this zoning district under Section 314-55.4.6.5.8 of the CCLUO.
Minimum Lot	5 acres	0.28 acres

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
Area:		
Minimum Lot Width:	300 feet	60 feet
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks	Front: 20 feet Rear: 20 feet Side: 10 feet	Front: > 20 feet Rear: > 20 feet Sides: > 10 feet
SRA requirements:	SRA: Parcel is less than 1 acre in size and is not subject to the 30 ft requirement	N/A
Max. Building Height:	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	The existing cultivation area is approximately 300 feet from the SMA of the South Fork of the Eel River. There are no other SMAs on, or near the parcel.
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are no employees associated with the requested permit. All work will be conducted by the applicant and the applicant's family. The maximum number of people working on the site would be four.</p> <p>As indicated on the Site Plan, three off-street parking spaces are available on site. The applicant and her family live approximately 0.2 miles from the project site on APN 081-091-008 where there is additional parking.</p>
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Humboldt's Dankest submitted three applications proposing a total of 8,280 square feet of existing cultivation area and is entitled to eight acres.
§314-55.4.6.4.2 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic and cultivation activities have occurred. No tree removal that could constitute a timber conversion has occurred on the property, either prior to or subsequent to the adoption of the CCLUO. No trees are proposed to be removed as part of the project.
§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged.	All 0.28 acres (approximately 12,197 SF) of the subject parcel is mapped as Prime Agricultural Soils. Twenty percent of 12,197 SF is approximately 2,439 SF. The cultivation site includes 2,380 SF of full-sun outdoor cannabis cultivation and a proposed 36 square foot shed, totaling 2,416 SF of ground coverage. Less than twenty percent of the prime soils available on the parcel. The cultivation occurs within the native soil.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The Cultural Resources Study performed by Roscoe and Associates, and the Tribal Historic Preservation Officer who reviewed the study, have indicated that there are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites.
§314-55.4.6.5.8 Myers Flat Community Area	In the Myers Flat Community Area, on any sized parcel, the cultivation area of a Pre-Existing Site may be permitted with a Special Permit, up to a maximum of 3,000 square feet. Expansion is prohibited on parcels less than 1 acre in size. The cultivation area setback requirement specified in Section 55.4.6.4.4(a) shall be reduced to the setbacks applicable to the underlying principal zoning district. The cultivation area setback from residence requirement specified in Section 55.4.6.4.4 (b) shall only apply to permanent residences constructed with approved building permits. Temporary use of an RV for up to 6 months may be permitted in conjunction with cannabis cultivation if permitted pursuant to 314-81.1.1.5.1.	The proposed project is a Special Permit to allow 2,380 SF of existing outdoor cultivation on a parcel 0.28 acres in size. The proof of cultivation submitted by NorthPoint Consulting Group Inc. December of 2019 confirms evidence of approximately 6,000 SF. of cultivation existing prior to January 1, 2016. The cultivation area is setback more than 20 feet from the front of the parcel, 10 feet from the sides of the parcel, and more than 20 feet from the rear of the parcel and conforms to the underlying zone (FP). Per the plot plan submitted by the applicant, the nearest permitted residence more than 300 feet from the proposed project. The applicant will not utilize an RV as housing during the cultivation season.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.12.1.8 Performance Standards– Road Systems	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	<p>The property is accessible from Boy Scout Camp Road, approximately 0.10 miles southeast from the intersection of Myers Avenue and Boy Scout Camp Road, and approximately 0.27 miles southwest from the intersection of Orchard Way and Boy Scout Camp Road. Boy Scout Road is maintained privately. The applicant has submitted a Road Evaluation Report developed by NorthPoint Consulting Group, Inc., December 2019 for the portion of Boy Scout Camp Road from Orchard Way that she uses for access, concluding that the road segment meets Category 4 or equivalent standards and require minimal improvements to restore proper hydrologic function in accordance with Pacific Watershed Associates (PWA) Road Manual standards.</p> <p>The Department of Public Works recommended conditional approval of the proposed project. The applicant is required to obtain an encroachment permit from the Department of Public Works to improve the private road intersection to meet County standards for commercial driveways and visibility. The project is conditioned to adhere to these requirements.</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.12.1.10 Performance Standards– Biological Resource Protection	Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.	The topography of the site is flat, with slopes of less than 5%. There are no stream crossings on the site. The existing cultivation area is approximately 300 feet from the Streamside Management Area (SMA) of the South Fork of the Eel River. The California Natural Diversity Database (CNDDB) does not identify any threatened or endangered species on the subject parcel. The project site is located within approximately two miles of Northern Spotted Owl activity center and the project site is within mapped Marbled Murrelet habitat. Electricity is provided to the parcel by PG&E and no generators are used. A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife.
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards– Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 2,380 square feet of existing full-sun outdoor cannabis cultivation. Clones are sourced off site from a licensed nursery. Parcels surrounding the subject parcel are zoned FP, AG, TPZ or U, which are considered Resource Production areas. Conditions of approval require that the Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.12.5 Performance Standards– Energy Use	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The applicant proposes to conduct cultivation operations on a developed site that has an existing power drop from PG&E. The applicant plans to purchase energy through Redwood Coast Energy Authority 's (RCEA) Repower + Rate renewable energy purchase program for all electrically generated power needs as part of their commitment to renewable energy usage and meeting the guidelines laid out by the County of Humboldt. Generators are not kept on site. All expected and anticipated power needs will be met with the purchase of 100% renewably generated electricity. As the proposed project is full-sun outdoor cultivation with no lights, dehumidifiers or fans, it is not anticipated that the project will create a large energy demand.</p>
§314-55.4.12.6 Performance Standards– Noise	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>As discussed above, while the subject parcel is located within the vicinity of a Northern Spotted Owl (NSO) activity center and is within mapped Marbled Murrelet habitat, no generators, fans or dehumidifiers are used onsite. Instead, PGE supplies on-the-grid power to the property.</p>
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>Water to the site is supplied by Myers Flat Mutual Water System, Inc. The applicant has submitted a will serve letter to the County from Myers Flat Mutual Water System, Inc. Based on the submitted evidence, the project complies with the referenced section.</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.
314-55.4.12.11 Performance Standards – Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	No reconfiguration is proposed.
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	No remediation is required.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Once proposed cultivation activities commence, the cultivation area will be monitored for invasive species. If invasive species are located, mechanical will be implemented. Hand tools, such as shovels, weed wrenches , trowels, or hand saws, may be used to remove invasive species. The exact rate and method of invasive species will be determined by the species identified. The areas of disturbance shall be surveyed and maintained bi-annually, at a minimum, as part of the invasive species control plan.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing cultivation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018

APN 081-071-026, 627 Boy Scout Camp Road Myers Flat, CA County of Humboldt

Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501

April 2020

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for an existing 2,380 square foot (SF) outdoor cannabis cultivation and a Special Permit for a reduction to the required 600-foot setback from public lands. Water for irrigation is sourced from Myers Flat Mutual Water System, Inc. The applicant estimates 40,000 gallons of water is required for the annual operations. All processing will occur off-site at a licensed processing facility. There will be two full time operating cultivators and a maximum of four at harvest.

Power to the site is provided by Pacific Gas and Electric (PG&E). The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light which is consistent with the original project and the EIR's mitigation measures. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

- Road Evaluation prepared by NorthPoint Consulting Group, Inc., December 2019.
- Operations Plan and Site Plan for Humboldt's Dankest.
- County GIS.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of

reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet (Attached).
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)

9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not Applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation prepared by NorthPoint Consulting Group, Inc., December 2019.



**HUMBOLDT'S DANKEST
APN: 081-071-026
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED COMMERCIAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



December 2019

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Appendix A: Site Plan

Appendix B: Cultivation Activities Schedule

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Humboldt's Dankest is proposing to permit pre-existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Cannabis Land Use Ordinance* (CCLUO). The project requires a Special Permit for approximately 3,000 sf of outdoor cannabis cultivation. The project proposal includes permitting of existing and proposed facilities appurtenant to the cultivation including greenhouses, a temporary drying building, and water storage facilities. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The project is located at 540 Boy Scout Camp Road, (APN 081-071-026) within the unincorporated community of Myers Flat. The subject parcel is approximately 0.28 acres in size (per the County of Humboldt's Web GIS). The project site is located within the South Fork Eel River Watershed and is flat with no drainages or topographic breaks present on the property. The property consists of a flat grassed and graveled lot located on a floodplain.

1.3. LAND USE

The subject property has a General Plan designation of RE-1-5 (Residential) as identified by the Humboldt County General Plan and is zoned Flood Plain (FP). The surrounding parcels are zoned Agricultural General (AG).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Humboldt's Dankest will obtain a Commercial Cannabis Activity license from the State of California once the local approval has been received.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary water source will be rainwater. The parcel is serviced by Myers Flat Mutual Water System (municipal source) and during an emergency, the municipal source could be utilized. The property is located in Myers Flat, a floodplain of the South Fork Eel River. There are no surface waters or riparian buffers present on the project site. The applicant will install rainwater catchment tanks sufficient in volume to contain all the water required for irrigation. The use of rainwater does not require a water right registration. The subject property will be enrolled in the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ (the Order) for waiver coverage for possible discharges of wastewater related to cannabis cultivation prior to commencing cultivation operations.

1.4.3. HUMBOLDT COUNTY BUILDING DEPARTMENT

The subject parcel is located in the floodplain. There are no permanent structures planned or proposed as part of onsite developments. All necessary building permits will be obtained from the Humboldt County Building Department for all proposed temporary structures and supporting infrastructure upon approval of the Special Permit.

1.4.4. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. The relatively small subject parcel (0.28 acres) is located along a main access road (Boy Scout Camp Road) and does not require a pull out or turn around with the parcel to allow firefighting and rescue teams

full access to the parcel. A fire riser will be installed near the property's residence to SRA specifications that is connected to a 2,500-gallon emergency water tank.

1.4.5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The applicant has notified the California Department of Fish and Wildlife (CDFW) of the lack of jurisdictional projects on the subject property. As such, a Lake or Streambed Alteration Agreement (LSAA) is not necessary. A Lake and Streambed Alteration notification has been provided to CDFW, along with a single notification fee (as required by the department to process all notifications). It is anticipated that a response memo from CDFW will be issued shortly acknowledging the lack of need for a LSAA. This letter will be submitted to the County and other relevant agencies at the time it is received. The notification copy, copy of the memo sent to CDFW and a copy of the receipt for submittal are attached to the complete application package.

1.4.6. CULTURAL RESOURCES

Following communications with archaeologist William C. Rich M.A., R.P.A. and tribal Historic Preservation officer Erika Cooper, M.A., THPO Bear River Band of the Rohnerville Rancheria for proposed studies on adjacent parcels, it was not recommended by the THPO to pursue studies due to previous negative findings on the historic floodplain. As such, inadvertent discovery protocols are recommended and will be adhered to. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during any construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. NURSERY PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants will be propagated on-site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants will remain in the vegetative stage solely for propagation. Cuttings sampled from the mother plants will be rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones will be placed into the nursery (Appendix A), and once fully rooted they will be transplanted directly into one (1) gallon plastic containers containing a growing medium of coco-core fiber and perlite. The juvenile plants will be irrigated using hand watering methods. After 2-4 weeks the clones will be transplanted into the garden where they continue their 'vegetative' cycle.

2.2. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Cultivation will occur in one (1) location on the property, within the footprint of the pre-existing cultivation and will consist of a total area of approximately 3,000-sf. Cultivation will occur in two temporary hoop house frames, both approximately 18' x 83'. Blackout tarps will be pulled over the frame to induce up to two (2) flowering cycles per year. The cultivation area will be located in the northern most portion of the parcel, behind a gate within the gated property (Appendix A). The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the light deprivation cultivation operation for a typical two (2) cycle year. The applicant does not plan to expand or relocate cultivation.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using drip irrigation to maximize efficiency of water. Fertigation will be conducted via hand watering application, allowing for daily inspection of each plant by the cultivator and tailored nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the proposed drying and trimming area (a proposed 10' x 12' shed) which will be equipped with ventilation fans and dehumidifiers. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and transported to a licensed off-site processing and or manufacturing facility.

The finished product is stored in the harvest storage room (a proposed 10' x 12' shed) before being transported to a licensed distribution facility.

2.5. PROCESSING PLAN

Cannabis will be dried and trimmed onsite in temporary storage buildings (10'x12' shed). Humboldt's Dankest proposes to dry and trim cannabis into large and small buds for pickup by a licensed distributor. The applicant will contract with a licensed off-site processing facility and/or sell bulk cannabis to a commercial cannabis manufacturer. The final packaging, manicuring or extraction into a finished sellable product will occur at an offsite, licensed facility.

2.6. EMPLOYEE PLAN

Humboldt's Dankest is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

Humboldt's Dankest is a family operated business, and all cultivation duties on site will be fulfilled by the applicant and the applicant's family. No outside employees are required for the proposed cultivation operations. The applicant and family currently manage the cultivation operation on their own, and plan to continue operations in this manner. Drying will take place in proposed temporary structures (10' x 12' sheds) for drying and harvest storage. The applicant functions as the Agent in Charge as well as the lead cultivator. Family members function as Laborers. During the peak of the harvest season, a maximum number of four (4) family members will be on site.

- *Agent in Charge / Lead Cultivator:* Responsible for business oversight and management of Humboldt's Dankest. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. Additional responsibilities include: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Laborer:* Provides cultivation, harvesting, and processing support. Additional responsibilities including soil amendment and bed prep, irrigation line maintenance,

equipment repair and fulfilling logistical needs. This is a part-time to full-time, seasonal position.

2.6.2. STAFFING REQUIREMENTS

Humboldt's Dankest is a family run business. In addition to the *Agent in Charge / Lead Cultivator* role assumed by the applicant, up to two (2) seasonal laborer positions are carried out by family members. The number of required laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of four (4) family members on site.

2.6.3. PARKING PLAN

Parking will be located in the southernmost portion of the property, behind a locked gate. Three separate places are available for parking (refer to site map in Appendix A). The project site is in close proximity to the other permitted farm operated by Humboldt's Dankest. As such, the applicant and family plan to walk between sites when it is convenient and efficient to do so.

2.6.4. TRAINING AND SAFETY

On site cultivation, harvesting, and drying is performed by family members trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and processing labor conducted by family members is done with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). The applicant will ensure that all family members have access to PPE that is new and or in good workable order to effectively safeguard the health of those laboring onsite. Access to the onsite cultivation and drying facilities is limited to authorized and trained family members including the Agent in Charge.

All laborers are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each laborer is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.6.5. TOILET AND HANDWASHING FACILITIES

Cultivation employees will be served by a portable restroom and handwashing facility. Anti-bacterial Liquid Soap and paper hand towels will be made available. Restroom and handwashing units will be serviced at regular intervals by a contractor. Work will occur at a distance no greater than 215 feet from the restroom facility.

2.6.6. ON SITE HOUSING

There are no residences planned or proposed as part of cultivation operations on the project site. All working family members live off site and commute daily to the cultivation site. During the cultivation season, the applicant and their family reside in the nearby Myers Flat community and are able to walk or easily commute to the site. No residential structures are proposed as a part of this project.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The entire 0.28-acre parcel is secured behind a 6-foot security fence. A locked entry gate is located at the entrance to the property, 540 Boy Scout Camp Road on the southern perimeter of the property. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to authorized family members. Restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility area will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion-activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gate, the entrance to the cultivation area and within the parcel.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the proposed hoop houses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8am and extend no later than 8pm.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for irrigation of the cultivation operation will be provided by rainwater catchment. It is estimated that approximately 40,000-gallons of water are required for seasonal irrigation. As such, nine (9) 4,900-gallon rainwater catchment tanks are proposed to meet the total storage needs for irrigation. Humboldt's Dankest utilizes water management strategies to conserve onsite water, refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	1,500	3,000	5,000	7,500	9,000	8,000	6,000	0	0

3.2. WATER STORAGE

The table below outlines the proposed water storage on the parcel. Humboldt's Dankest is proposing to increase water storage through plastic rainwater catchment storage tanks. With the proposed storage, the applicant is estimated to meet the forbearance period.

Based on rainfall data provided by the PRISM Climate Group (of the Northwest Alliance for Computational Science and Engineering), the average rainfall for location Lat: 40.2618, Lon: -123.8765 (Myers Flat area) is 59.58 inches or 4.96 feet. The data set provides average annual precipitation values ranging in sample years from 1895 to 2018. Rainwater catchment tanks in conjunction with proposed temporary storage sheds will be utilized as catchment surface to secure precipitation to storage for later use for irrigation purposes. Based on catchment area, average annual rainfall and assumed capture efficiencies the rainwater catchment tanks, it is assumed that each tank will be able to capture an average of 2,975-gallons of rainwater per year. Combining the catchment area of all nine (9) tanks with the average rainfall values, the tanks will be able to provide annually

approximately 26,782-gallons of rainwater. As each tank can store 4,900-gallons of rainwater, rainwater harvested from the roofs of the proposed temporary storage sheds will be gravity fed to fill the remaining volume in the tanks. An additional 13,218-gallons of rainwater are required to fulfil the total expected irrigation needs of 40,000-gallons. Based on average annual rainfall, catchment area and assumed capture efficiency, the five (5) proposed temporary storage shed (10' x 12') rooftops can capture 17,828-gallons of rainwater (Table 3.2). The total proposed storage volume in tanks is 44,100-gallons in nine (9) 4,900-gallon tanks. This extra storage will provide a buffer in case of an unforeseen emergency requiring additional water onsite.

Tank #	Type of Tank	Volume (gal)	Rainwater Captured (gal)	Rainwater from Residence (gal)	Amount of Captured Rainfall (gal)
1	Harvest Storage Tank	4,900	2,975	1,925	4,900
2	Harvest Storage Tank	4,900	2,975	1,925	4,900
3	Harvest Storage Tank	4,900	2,975	1,925	4,900
4	Harvest Storage Tank	4,900	2,975	1,925	4,900
5	Harvest Storage Tank	4,900	2,975	1,925	4,900
6	Harvest Storage Tank	4,900	2,975	1,925	4,900
7	Harvest Storage Tank	4,900	2,975	1,925	4,900
8	Harvest Storage Tank	4,900	2,975	1,925	4,900
9	Harvest Storage Tank	4,900	2,975	1,925	4,900
Totals Storage volume		44,100	26,775	17,325	44,100

**The total proposed storage does not include the 2,500-gal water storage tank for fire suppression, which will be filled with purchased water from the Myers Flat Mutual Water System.*

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Humboldt's Dankest will enroll with the State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ (Order) upon local approval for cultivation related activities. A Site Management Plan (SMP) and Compliance Agreement will be developed utilizing best practical treatment or controls (BPTC's) in accordance with the SWRCB's and NCRWQCB's recommendations. The drainage and erosion control measures described below shall be referenced in the SMP.

3.3.1. SITE DRAINAGE AND RUNOFF

The project site is nearly flat without significant slope. Site investigation of the subject property showed no evidence of surface runoff associated with any developments or past cultivation related activities onsite. Moreover, the parcel boundary itself is located approximately 315-feet away from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be

implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and nearest riparian zone.

3.3.2. EROSION CONTROL

The Site Management Plan (SMP), when developed will include erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. The SMP will also include corrective actions to reduce sediment delivery, including adding seed and straw to bare surfaces for stabilization, and installing a sediment catchment basin near the lower greenhouse flat. The entire Myers Flat community area is relatively flat and well vegetated and well suited for agricultural developments.

3.3.3. STORMWATER MANAGEMENT PLAN

The proposed cultivation activities will take place on a previously disturbed site with an approximate area of 0.3 acres. The project site is in the Flood Plain of Myers Flat, with mostly flat topography of slopes less than 15%. Cultivation is proposed to occur in temporary hoop houses, and storage is proposed to occur in temporary sheds. The applicant is proposing to source water from harvested rain, significantly decreasing stormwater runoff on the project site. The project site is located in the municipality of Myers Flat and runoff generated on site will be readily routed to the county-maintained storm drains. Site-specific stormwater best practicable treatment or control (BPTC) measures will be addressed in the Site Management Plan.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan (SMP) will ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >315 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BPTC's in accordance with the SWRCB's recommendations. No grading or earthwork activities are proposed or required to complete the sites agricultural development goals.

3.5. INVASIVE SPECIES CONTROL PLAN

Once proposed cultivation activities commence, the cultivation area will be monitored for invasive species. If invasive species are located, mechanical will be implemented. Hand tools, such as shovels, weed wrenches, trowels, or hand saws, may be used to remove invasive species. The exact rate and method of invasive species will be determined by the species identified. The areas of disturbance shall be surveyed and maintained bi-annually, at a minimum, as part of the invasive species control plan.

The following is a partial list of websites to be used for proper identification and treatment:

1. <https://calflora.org/>
2. <https://plants.usda.gov/java/>
3. <https://www.cal-ipc.org/>
4. <https://www.cal-ipc.org/solutions/>
5. <http://www.rareplants.cnps.org/>
6. <https://www.wildlife.ca.gov/Conservation/Plants#22064102-california-native-plant-information>
7. <http://ucjeps.berkeley.edu/>
8. http://wetland-plants.usace.army.mil/nwpl_static/v33/home/home.html
9. <https://www.fws.gov/invasives/partnerships.html>

3.6. MATERIALS MANAGEMENT PLAN

Materials kept on site include fertilizers and herbicides, which will be stored in lockable sheds within secondary containment. The project does not propose storage of fuel, cleaning fluids, or soil amendments. The Site Management Plan will include details regarding fertilizer mixing and application, fertilizer and pesticide storage, waste volumes, and storage areas.

3.1. SOILS MANAGEMENT PLAN

Humboldt' will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.

3.2. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of any corrective measures (if needed) outlined in the proposed Site Management Plan (SMP). Monitoring efforts will be utilized to determine if the site meets all Standard Conditions of the State Water Quality Resources Control Board's "General Order" for waste discharges associated with cannabis cultivation. Inspections will include photographic documentation of any controllable sediment discharge sites where possible pollutants could discharge into waters of the state. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan will be included in the SMP.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

3.3. ENERGY PLAN

Humboldt's Dankest proposes to conduct cultivation operations on a developed site that has an existing power drop from PG&E. The applicant plans to purchase energy through Redwood Coast Energy Authority's (RCEA) Repower + Rate renewable energy purchase program for all electrically generated power needs as part of their commitment to renewable energy usage and meeting the guidelines laid out by the County of Humboldt. Generators are not kept on-site, all expected and anticipated power needs will be met with the purchase of 100% renewably generated electricity. The cultivation operation will consist of outdoor plants, flowered under light deprivation (dep) tarps. Clones will be started and maintained onsite in one of the proposed storage sheds (10'x12'). Power for the lights and fans will be provided by the grid tied renewable power. Lights and fans are not required or proposed for the light deprivation outdoor operation.

3.4. LIGHT POLLUTION CONTROL PLAN

Nursery and propagation greenhouses will use LED or fluorescent lighting to keep the mothers and juvenile plants in the 'vegetative' cycle. Any area with supplemental lighting will be properly

maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0 and prevent light spillage which may impact local wildlife.

3.5. USE AND STORAGE OF REGULATED PRODUCTS

3.5.1. BEST MANAGEMENT PRACTICES

Best Practical Treatment or Controls (BPTC's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. When onsite, all nutrients, pesticides and fungicides are located in a locked storage room, and contained within water-tight, locked and labeled containers in accordance with or instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Family members responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BPTC specifications for the use and storage of regulated products.

3.5.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Cutting Edge Solutions "Micro" (6-0-0)
- Cutting Edge Solutions "Grow" (0-6-5)
- Cutting Edge Solutions "Bloom" (2-1-6)
- Cutting Edge Solutions "Plant Amp"
- Cutting Edge Solutions "Mag Amped"
- Sea-Pal Fish Emulsion 5-1-1
- Oyster Shells

See Appendix B - *Regulated Products Resource List* for product details.

3.5.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Diatomaceous Earth
- Limes
- Marigolds
- Chrysanthemums
- Dr. Bronner's Castille Soap
- Vinegar

See Appendix B - *Regulated Products Resource List* for product details.

3.6. WASTE MANAGEMENT PLAN

3.6.1. SOLID WASTE MANAGEMENT

All trash/refuse generated on site will be kept in a designated and contained area behind the property enclosing fence until each weekly pickup. Myers Flat community area is served by Recology Eel River, a licensed waste disposal company. Wastes will be stored in a protective manner such that they will not migrate or leach into waters of the state (see site map in Appendix A). Cultivation-related organic waste will be taken offsite by Recology Eel River to a licensed green waste disposal site. Any cannabis cultivation related wastes (potting soils, plant matter, etc.) not fit for recycling, reamending or viable

use will be stored under tarps in a designated area and stabilized with the appropriate BPTC measures until such a time that they can be transported off the site and disposed of at a licensed facility. All refuse and cultivation waste are then transported to the Eel River Disposal waste management facility approximately twice a month.

3.6.2. SEWAGE DISPOSAL PLAN

The water management plan aims to achieve an entirely closed-cycled irrigation and nutrient system. Careful oversight and expertise in the setup of drip irrigation will minimize potential for over-watering of plants and subsequent runoff. No wastewater will be generated from domestic habitation of the site as there are no residences existing or planned. Human waste will be dealt with by means of a serviced portable toilet. A wash station will be located adjacent the toilet with antibacterial soap and paper towels. The portable toilet and wash station will be serviced at least once weekly and will be sized and maintained to meet the expected needs of the family run operation.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the Humboldt's Dankest logo and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems.

4.2. PRODUCT INVENTORY AND TRACKING

The applicant will enroll in the Humboldt County cannabis product and inventory tracking system (Track and Trace), an internally developed system of inventory and tracking utilized by the County of Humboldt. The Agent in Charge and Lead Cultivator ensure all commercial cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

Tracked products are required for legal entry into the State marketplace. At the time that Humboldt's Dankest is able to apply for an annual license, the applicant will enroll in the State sanctioned tracking program (Metr) for product inventory. All state-issued annual licensees are required to use the California Cannabis Track and Trace (CCTT)-Metr system to record, track and maintain information about their cannabis, cannabis product inventories and activities. Cultivators pursuing State Licensure must complete the state-provided training before using the CCTT-Metr system.

4.3. TRANSPORTATION AND DISTRIBUTION

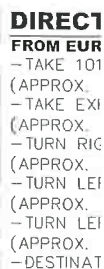
Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled

- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* is responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

Appendix A: Site Plan



NOT TO SCALE

HUMBOLDT'S DARKEST IS PROPOSING TO PERMIT CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO). THE PROPOSED OPERATION INCLUDES APPROXIMATELY 2,442 SQUARE FEET (SF) OF OUTDOOR CULTIVATION AREA AND 558 SF OF MIXED-LIGHT CULTIVATION.

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY, BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO PERMANENT RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.

WATER FOR IRRIGATION USE WILL BE SUPPLIED THROUGH RAINWATER CATCHMENT. BOTH RAINWATER CATCHMENT TANK AND THE PROPOSED SHED ROOFTOPS WILL BE UTILIZED AS CATCHMENT SURFACES. DOMESTIC WATER IS IMPORTED OR PURCHASED THROUGH MYERS FLAT MUTUAL WATER SYSTEM

THE SUBJECT PARCEL WILL ENROLL IN THE SWRCB GENERAL ORDER AS A TIER 1, LOW RISK DISCHARGER REFLECTING CURRENT & PROPOSED SITE CONDITIONS. A SITE MANAGEMENT PLAN WILL BE PREPARED FOLLOWING ENROLLMENT. WQID NUMBER TBD

A NON-JURISDICTIONAL ITEMS LSA
NOTIFICATION HAS BEEN SUBMITTED TO
CDFW. NOTIFICATION NUMBER TBD.

NT:
DIT'S DANKEST
ROADWAY ST. SUITE 317
CA 95501

MOU
ROADWAY ST, SUITE 317
CA 95501

JOINT CONSULTING GROUP, INC
1600 MOA BLVD.
SAN JOSE, CA 95521
(415) 938-6438

1-071-026
Y SCOUT CAMP RD
FLAT, CA 95554

TO BE REMOVED = NONE

SED TOTAL CULTIVATION AREA = 3,000 SF

EXISTING CANNABIS CULTIVATION AREA = APPROX.
6,000 SF

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= PRIVATE
= PRIVATE

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PLANT SIZE = 0.28 ACRES

PLAN DESIGNATION = FP (FLOOD PLAIN)
= RE1-5

N	FP
S	20'
M	10'
	20'

STAL ZONE: = NO
1 YR FLOOD ZONE: = YES

SITE OVERVIEW

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

HUMBOLDT'S DANKEST

540 BOY SCOUT CAMP RD. MYERS FLAT, CA 95554

SPECIAL PERMIT - SITE OVERVIEW

PROJ MGR: AZ
DRAWN BY: CC
DATE: 12/26/11
SCALE: AS SHOWN

SHEET
CO

18-057

APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc.)												
	Road maintenance (as needed)												
	Culvert maintenance/inspection												
Irrigation Activities	Cover soil beds and seed / straw with cover crop												
	Irrigation of juvenile plants/clones												
	Irrigation of flowering plants												
Pre-cultivation Activities	Transplant clones into beds / pots												
	Amend soil in beds / pots												
	Import new cultivation soil, if needed												
Cultivation and Harvest Schedule	Outdoor Cultivation (Light Deprivation)												
	Harvest activities												
	Drying Activities												

Appendix C: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Commercial Cannabis Land Use Ordinance (CCLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>



December 24, 2019

Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501



Subject: Humboldt's Dankest
Noise Assessment
APN: 081-071-026

To Whom It May Concern,

NorthPoint Consulting Group, Inc. has been retained by Humboldt's Dankest to complete a Noise Assessment and Mitigation Plan for APN 081-071-026. Any questions regarding this matter can be directed to our office at (707) 798-6438 or ana@northpointeureka.com.

Thank you,

Ana Zurawski
Staff Engineer



Road Assessment – Standard 3

Humboldt's Dankest

APN: 081-071-026

1 Project Description

Humboldt's Dankest is applying for a Special Permit for 3,000 square feet (sf) of outdoor cannabis cultivation on parcel 081-071-026 in Myers Flat, California. To get to the parcel from Eureka, California, take US-101 South to US-101 S. Take exit 656 for CA-254 N toward Myers Flat. Turn left onto Myers Avenue and then turn left onto Boy Scout Road.

2 Road Assessment

The purpose of this report is to address Standard 3 – Private Road Systems – Protection for Water Quality and Biological Resources for Road System Performance Standards. This involves adhering to the document titled "A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds" and evaluating the design, condition, and performance of all private road segments within the defined Roadshed.

2.1 Private Road Systems Providing Access to the Parcel

The nearest County maintained road, as confirmed by Public Works, Orchard Way off Myers Avenue. This road is up to Category 4 standard. From Orchard Way, the private road system accessing the parcel extends for approximately 0.27 miles before reaching the property gate (Refer to Appendix A-Road Evaluation Report).

2.2 Road Conditions

The project site driveway receives approximately two daily vehicle trips in the peak season (May - October) and minimal to no vehicle trips in the winter season. The private access road is constructed on a mild gradient and the road surface consists of bare soil. The majority of the road is insloped and outsloped, disconnecting road surface runoff.

2.3 Sediment Erosion Prevention and Sediment Capture

The section below details erosion prevention BPTC measures, sediment capture BPTC measures, and Monitoring and maintenance activities.

2.3.1 Erosion Prevention BPTC Measures

Erosion prevention measures will be implemented during the dry summer months. The road construction standards described in the "Road Handbook" will be adhered to for all road improvements.

2.3.2 Sediment Capture BPTC Measures

During road construction and maintenance activities, sediment control devices (e.g. straw wattles, gravel bag berms) will be installed around culvert inlets to prevent sediment transport. Stockpiled materials for construction and road maintenance will be stored in stable locations and contained using appropriate BPTC measures.

2.3.3 Monitoring and Maintenance Activities – Erosion Prevention and Sediment Capture

All long-term and interim erosion prevention and sediment capture BPTC measures that have been implemented will be monitored for effectiveness on a monthly basis at a minimum. Any vegetation planted on previously disturbed areas will be monitored for success and replanted if necessary. The cultivator will monitor erosion and sediment control measures during and after each storm event that produces at least 0.5 in/day or 1 in/7 days of precipitation. In addition, winterization measures that are implemented will be monitored for effectiveness (inspected during the first major winter storm event) before the site is closed for the winter.

Year-round maintenance of all erosion prevention and sediment capture measures is required. All existing measures shall be maintained, repaired, or replaced as needed. Exotic or invasive species found in revegetated or disturbed areas shall be removed. Remaining exposed soil shall be reseeded/revegetated and have 2-4" of weed-free mulch reapplied. Any captured sediment in inboard ditches/drainageways, culvert outfalls, or against silt fences/straw wattles will be removed and stabilized on a designated flat area. The sediment may be used for site improvement where it will not threaten water quality. Interim measures for sediment retention, such as mulching and wattling, require more regular monitoring and maintenance.

2.4 Winterization BPTC Measures

Appropriate erosion prevention and sediment control measures will be installed, maintained, and monitored for effectiveness prior to the winter season. Road work requiring heavy machinery, such as outsloping, shall be conducted only during the dry season, unless the cultivator is authorized by an agency with jurisdiction to make emergency repairs. Temporary access roads also need to be closed to traffic prior to the onset of winter. Winterization of the main access road includes temporary and long-term runoff management and soil stabilization measures, such as the rocking of inboard ditches, installing check dams, and stream inlet protection. All winterization BPTC measures will be monitored and maintained prior to site closure for the winter. Culverts will be inspected for erosion or clogging prior to and after a significant storm event. Any debris and sediment found to be clogging culverts, inlets/outlets, or drainageways will be removed and appropriately stored, reused, or disposed of.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Humboldt's Dankest APN: 081-071-026

Planning & Building Department Case/File No.: TBD

Road Name: Boy Scout Road (complete a separate form for each road)

From Road (Cross street): Orchard Way

To Road (Cross street): Driveway

Length of road segment: 0.27 miles Date Inspected 12/9/2019

Road is maintained by: ☐ County ☒ Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

12/9/19

Signature

Date

Phil Standish

Name Printed

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Ag Commission		No response	
Public Works Land Use Division	✓	Conditional approval	Attached
Health and Human Services Environmental Health Division	✓	Conditional approval	Attached
CAL-FIRE		No response	
California Department of Fish and Wildlife		No response	
Northwest Information Center	✓	Recommend study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
California State Parks – Humboldt Redwoods State Park	✓	No concerns at this time	Attached
Myers Flat Mutual Water System		No response	
Myers Flat FPD	✓	Conditional approval	Attached
District Attorney		No response	
Southern Humboldt Unified School District		No response	
Humboldt County Sheriff	✓	Approved	Attached
NCUAQMD		No response	
RWQCB		No response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MANAGEMENT 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 01/29/2020

RE:

Applicant Name	HUMBOLDT'S DANKEST
APN	081-101-007
APPS#	PLN-2019-16084

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 12/09/19 with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16084

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

PLN-2019-16084 - Humboldt's Dankest -



Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (12)

Payment

Workflow History (11)

Comments (1)

Documents (24)

Conditions of Approval (0)



A notice was added to this record on 2019-12-27.
Condition: Parcel Status : 081-071-026 LP 1:1 Severity: Notice
Total conditions: 1 (Notice: 1)

[View notice](#)

[Cancel](#)

[Help](#)

Task Environmental Health	Due Date 02/03/2020	Assigned Date 01/24/2020
Assigned to Department Environmental Health	Assigned to Ben Dolf	Status Approved with Conditions
Action by Department Environmental Health	Action By Ben Dolf	Status Date 01/24/2020
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar

McClenagan, Laura

From: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Sent: Monday, April 20, 2020 3:20 PM
To: Yandell, Rodney
Cc: Johnson, Cliff
Subject: RE: Staff Report for Parks review 16084

Hello Rodney,
State Parks has no concerns with 16084 at this time.
Thank you,

Shannon Dempsey

North Coast Redwoods District
California State Parks
707.445.5344 Office
707.498.8478 Mobile

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Sent: Wednesday, April 15, 2020 3:51 PM
To: Dempsey, Shannon@Parks <Shannon.Dempsey@parks.ca.gov>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: Staff Report for Parks review 16084

Shannon,

The attached is the draft staff report and site plan for one of two projects in Myers Flat that we are ready to notice for hearing. Please review at your earliest convenience and respond directly to my email. The projects are both pretty clean as they are both for full-sun cultivation, with CSD water, no generator use and no processing on site.

Thank you,



Rodney Yandell

Senior Planner

[Cannabis Services Division](#)

[Planning and Building Department](#)

707.268.3732



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

1/23/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Myers Flat, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA State Parks, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, PGE

Applicant Name Humboldt's Dankest **Key Parcel Number** 081-071-026-000

Application (APPS#) PLN-2019-16084 **Assigned Planner** Rodney Yandell 707-268-3732

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 2/7/2020

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments:

Fence will need to be moved as it is
encroaching over 9 ft into the road way. A list of
chemicals used will need to be submitted to the fire station

DATE: 1/24/2020 PRINT NAME: Tom Mulder Fire Chief

PLN-2019-16084 - Humboldt's Dankest -



Summary

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6 Referral Task Log (2)

Fee (12)

Payment

Workflow History (11)

Comments (1)

Documents (24)

Conditions of Approval (0)

v.accela.com/.../appSpecInfoForm.do?...



A notice was added to this record on 2019-12-27.
Condition: Parcel Status : 081-071-026 LP 1:1 Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Cancel

Help

Task Sheriff	Due Date 02/06/2020	Assigned Date
Assigned to Department Sheriff	Assigned to	Status Approved
Action by Department Sheriff	Action By Sheriff Humboldt County	Status Date 01/27/2020
Start Time	End Time	Hours Spent 0.5
Billable No	Overtime No	Comments No record of Ana Zurawski in DA System
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar Workflow Blockout